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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,485	01/12/2007	Stefan Meinert	KAR0115PCTUS	9660
62124 7590 01/11/2008 QUINN LAW GROUP, PLLC 39555 ORCHARD HILL PLACE SUITE # 520 NOVI, MI 48375			EXAMINER MORROW, JASON S	
			ART UNIT 3612	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,485

Applicant(s)

MEINERT, STEFAN

Examiner

Jason S. Morrow

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in Germany on 3/29/04 and 10/1/04. It is noted, however, that applicant has not filed a certified copy of the German applications as required by 35 U.S.C. 119(b).

Drawings

2. The drawings are objected to because a separate set of drawing sheets is not provided. The drawings from the PCT application upon which the current application is based have been used for purposes of examination. The examiner requests applicant submit new replacement sheets to advance the prosecution of the application. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not

accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: In paragraphs 001, 004, 005, and 007, applicant refers to the claims as part of the disclosure. Since the claims may change, applicant should replace the reference to the claims with the appropriate information.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the essentially horizontal axes" in lines 4 and 5. There is insufficient antecedent basis for this limitation in the claim.

In claim 3, the scope of the claim is unascertainable. The claim refers to claim 1, however the preamble of both claims seem to both claim an entire convertible vehicle. If applicant is only trying to claim a certain portion of claim 1 in claim 3, then it is unclear exactly what the scope of that portion is.

Claim 6 recites the limitation "the roof peak" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the convertible-top bow connected to the front most frame parts" in lines 4 and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the lateral outside area of the dome" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the storage space for the stored roof" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the body" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3, and 7 rejected under 35 U.S.C. 102(b) as being anticipated by Neubrand (US Patent 6,283,532).

Re claim 1, Neubrand discloses a convertible vehicle with at least one front roof area, having a flexible covering (14) in the direction of travel, and a rigid rear roof area (34), including a rear window, characterized in that the front roof area includes several lateral frame parts (42,

40) lying one behind the other, which can be folded toward each other, at least in the essentially horizontal axes, and can be covered by the rear roof area in the stored position (see figure 3).

Re claim 3, Neubrand discloses a convertible vehicle with at least one front roof area, having a flexible covering (14) in the direction of travel and a rear rigid roof area (34), including a rear window, especially according to, characterized in that the front roof area has several lateral frame parts (42,40) lying one behind the other, and a rearmost lateral frame part (62) is a component of the rigid rear roof area (it is in the same area as the part 34)

Re claim 7, the rear roof area is formed in the manner of a dome (34) and has a transverse extent of the rear window that reaches the lateral outside area of the dome (the window is the entire dome)

Allowable Subject Matter

8. Claims 2, 4-6, and 8-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bernstein et al., Neubrand, MacFarland, Pecho et al., Pfertner et al., Rothe et al., MacFarland, Neubrand, Hofers et al., Rothe et al., Mandl et al., Klein et al., Neubrand, and Heselhaus disclose vehicle convertible tops. .

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663.

The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason S. Morrow/
Primary Examiner
Art Unit 3612

January 6, 2008



JASON MORROW
PRIMARY PATENT EXAMINER